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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,585	10/07/2003	Jarmo Lehtonen	944-003.192	6853
4955 7590 06/08/2007 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER SHIH, HAOSHIAN	
			ART UNIT 2173	PAPER NUMBER
			MAIL DATE 06/08/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/681,585

Applicant(s)

LEHTONEN, JARMO

Examiner

Haoshian Shih

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires ___ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

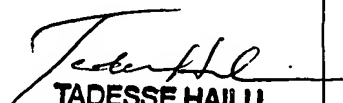
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


TADESSE HAILU
PRIMARY EXAMINER

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Continuation of 11. NOT place the application in condition for allowance because: As set forth in the previous office action, the claims are not patentable in view of the prior art of record.

RESPOND TO ARGUMENT

1. Applicant argues "independent claims 1, 11 and 19... It is not possible to replace the stick member 22 of Inukai with the integrated joypad 125 of Oueslati, as the Office proposes, because there is not enough space between the keys of a keyboard for the integrated joypad. But even if the joypad/button of Oueslati could somehow be placed in between keys of a keyboard in replacement of the stick member of Inukai as proposed by the Office, it would not be possible to use it as required by the invention, i.e. the button could not receive an end portion of an indicator instrument and move or deform in response to a force exerted on the button via the indicator instrument, because again, there is not enough space between the keys of the keyboard."

In response to the applicant's arguments, Inukai discloses at par. [0048] "The stick hole 19a is designed to have a predetermined opening diameter capable of preventing the stick member 22 from making contact with the keyboard substrate 19 even if the stick member 22 is tilted in any directions".

In other words, the stick hole is designed in such a way that the movement of the stick member is free to tilt in any direction without obstructing the surrounding. Further more, the combination of Inukai and Oueslati is not based on the ground of their structure, a person of ordinary skill in art can easily make the stick member detectable on a keyboard or a PDA for the benefit of an increased portability.

2. Applicant argues "dependent claims 8 and 14, both require that the input button move or deform so as to communicate a force directed orthogonally to the surface of the communication or computing device. The Office asserts that Inukai discloses this at par. [0050] in connection with the stick member 22 of Inukai being used to indicate a ~clicking input." Applicant respectfully points out that at the cited location all that is disclosed in this respect is that:

... if the detection signals from the transducers 9a and 9b represent more than a predetermined amount, the above program processes to establish a state where an operation signal representing a click has been input.

In other words, if the stick member is pushed horizontally (the only possible motion disclosed by Inukai) by more than a certain amount, that excessive push in the horizontal direction is interpreted as a clicking input, without there having been a force directed orthogonally to the surface of the communication or computing device. Thus, the stick member 22 of Inukai cannot be said to communicate such a force as required by the invention, since it cannot sense such a force. **In fact, if an orthogonal force is applied, the stick member will not move at all, and so an orthogonal force cannot be used to indicate a clicking input (or any other input).** "

In response to the applicant's argument, Inukai discloses at par. [0050] "When the cross area 7 is **deformed** in operation amount and direction of the stick member 22 the transducers 9a and 9b detect the **deformation amount** of the cross area 7... if the detection signals from the transducers 9a and 9b represent more than a predetermined

amount, the above program processes to establish a state where an operation signal representing a click has been input."

In other words, if the stick member is pushed orthogonally (fig.1; the stick member 22 is orthogonally positioned to the surface area 7) transducers 9a and 9b detects the deformation amount of the cross area 7 and communicate the deformation force as a clicking input.

3. Applicant argues, "in addition in respect to dependent claims 9 and 17, Oueslati does not teach or suggest an input button moving or deforming so as to communicate a force couple (as in claim 9), or sensing means for providing a signal indicative of a force couple (as in claim 17)"

In response to the applicant's argument, Inukai discloses at par. [0058] "stick member 22 to tilt toward the plus sides in the X-axis and the Y-axis directions", par. [0059] "the deformation of the cross area 7 induced as above causes a tensile strain in the strain sensor 8a...In regard to the strain sensor 8b placed on the plus side of the Y-axis the resistant value of a portion positioned on the right of the Y-axis increases due to the tensile strain..." and par. [0060], "the signal outputs are amplified to be used as the strain amount detection signal...which executes the pointing control program."

The applicant discloses force couple at par. [0033] "... one or another force or combination of forces (couples)"

In other words, the motion of tilting the stick member 22 towards both X and Y axis directions results in tensile strain to strain sensor 8a and 8b at the same time, indicating

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a combination of forces (force couples) applied to multiple strain sensors on the cross area 7, the strain signals are then captured and used in a pointing control program.

4. Applicant argues, "dependent claim 10, applicant respectfully submits that the Inukai and Oueslati cannot be said to teach or suggest the recited box-in-box construction...for the reasons given in respect to claim 1, though, there is no suggestion or motivation to make the proposed modification."

In response to the applicant's argument, please refer back to the Examiner's response to independent claims 1, 11 and 19.

Conclusion

5. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. 1.111(c) to consider these references fully when responding to this action. The documents cited therein teaches content previewing and content selection.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haoshian Shih whose telephone number is (571) 270-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSS


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